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Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Australia, Austria, Canada, Finland, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Romania, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[3] including part III thereof, relating to human rights,

Taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998,[4] and recalling General Assembly resolution 52/135 of 26 November 1997 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,[5] in which the Commission recommended the appointment of a special representative in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/46/608–S/23177, annex, see *Official Records of the Security Council, Forty-sixth Year, Supplement for October, November and December 1991*, document S/23177.
[4] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.
[5] Ibid., *1993, Supplement No. 3* (E/1993/23), chap. II, sect. A.

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Recognizing that the tragic history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the United Nations respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and her visit to Cambodia in January 1998,

Welcoming the agreement by the Government of Cambodia to extend the mandate of the office in Phnom Penh of the United Nations High Commissioner for Human Rights until March 2000, enabling the office to continue its operations and to maintain its technical cooperation programmes,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the situation of human rights in Cambodia,[6] in particular the section concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights, and encourages the Government of Cambodia to continue to cooperate with the Office;

3. *Takes note with appreciation* of the report of the Special Representative on the situation of human rights in Cambodia,[7] and notes in particular his concerns about political violence, the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, child labour, child prostitution and trafficking, workers' rights and the freedom to form independent trade unions, media freedom and the situation of women, including violence against women, and minorities;

4. *Welcomes* the holding of national elections by the Government of Cambodia on 26 July 1998 and its efforts to ensure the safety of national and international observers of the elections, and, noting that the elections demonstrated the clear desire of the Cambodian people for democracy, stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional Government;

5. *Also welcomes* the role of the United Nations in monitoring the return and full resumption of political activities by political leaders in the period leading up to, during and immediately after the elections;

6. *Further welcomes* the role of national non-governmental organizations in educating voters and providing observers at polling stations, and of international observers during the recent elections;

[6] A/53/400

[7] E/CN.4/1998/95

7. *Encourages* the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in recognition of the vital and valuable role played by non-governmental organizations in the development of civil society in Cambodia;

8. *Notes* the formation of a provisional Cambodian human rights committee, and encourages the Government of Cambodia, in setting up a new Cambodian human rights commission, to take into account international standards, notably those on independence, and to request the Office of the United Nations High Commissioner for Human Rights to provide advice and technical assistance to this end;

9. *Expresses grave concern* about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrest and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, including those of March 1997 and July 1997 and during the recent election campaign and its immediate aftermath, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

10. *Also expresses grave concern* at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring security of persons and rights of association, assembly and expression, remains a matter of critical and urgent priority;

11. *Welcomes* the convening for the first time of the Supreme Council of the Magistracy in December 1997, as well as the adoption of the law on the Constitutional Council in March 1998, and looks forward to the active implementation of their constitutional mandates;

12. *Condemns* the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, detailed in the report of the Special Representative, and urges all political parties in Cambodia to abstain from statements or activities that could be interpreted as incitement against ethnic minorities;

13. *Notes with serious concern* the Special Representative's comments about the judicial system and the prison administration, strongly urges the Government of Cambodia to continue its efforts to create a functioning and impartial system of justice and to implement the Prison Regulations signed in March 1998, and welcomes the cooperation of the Government of Cambodia with international efforts to improve the judicial system;

14. *Stresses* the need for the Government of Cambodia to improve the implementation of the freedoms laid down in the Cambodian Constitution with regard to the operation of a free electronic and print media and the security of persons and rights of association, assembly and expression, in accordance with the provisions of the Constitution and in view of the critical role they play in the effective functioning of a multi-party democracy;

15. *Endorses* the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and notes with concern that no Khmer Rouge leaders have been brought to account for their crimes;

16. *Welcomes* the appointment by the Secretary-General, in response to the request by the Cambodian authorities for assistance in responding to past serious violations of

Cambodian and international law by the Khmer Rouge, of a group of experts to evaluate the existing evidence and propose further measures as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

17. *Commends* the efforts of the Government of Cambodia, together with non-governmental organizations and United Nations bodies, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund and the United Nations Educational, Scientific and Cultural Organization, to improve the quality of and access to education;

18. *Notes with serious concern* the prevalence of child labour in Cambodia and calls on the Government of Cambodia to ensure adequate health and safety conditions and access to education for working children and to outlaw the worst forms of child labour;

19. *Welcomes* the development by the Government of Cambodia, working with the office in Cambodia of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and non-governmental organizations, of an action plan to combat child prostitution and trafficking, encourages the National Assembly to approve the plan as a matter of priority and urges the Government of Cambodia to take concrete action to ensure its speedy and effective implementation;

20. *Urges* the Government of Cambodia to take all appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms, and to take all steps to meet its obligations as a party to the Convention on the Elimination of all Forms of Discrimination against Women,[8] including by seeking technical assistance;

21. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the United Nations High Commissioner for Human Rights, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

22. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, including the work of the Cambodian Mine Action Centre, commends donor countries for their contributions and assistance to the Centre, and urges the Government of Cambodia to give priority to banning all anti-personnel landmines;

23. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session.

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[8] Resolution 34/180, annex.